

**REMARKS**

Claims 1-44 are presently pending in this application. By this amendment, claims 1-33 are amended, and claims 34-44 are added. The amendments are made for clarity and to add the features that the liquid partially fills a space between the optical member and the substrate and that an immersion area of the liquid is smaller than a surface of the substrate/object. Support can be found, for example, in Figs. 3-6 and the related disclosure. No new matter is added.

**I. The Claims Are Patentable Over The Applied References**

The Office Action rejects claims 1-33 under 35 U.S.C. §102(b) over U.S. Patent No. 6,191,429 to Suwa. Applicants respectfully traverse the rejection.

Regarding independent claims 1, 14 and 17, as well as new claim 39, Suwa fails to disclose a "liquid which partially fills a space between the optical member and the substrate" (emphasis added, claims 1 and 17), "an immersion area is defined by an area where the liquid is located, and the immersion area is smaller than the surface of the substrate on the substrate table" (emphasis added, claim 14), and "wherein an immersion area where the liquid is located is smaller than the surface of the object held by the table" (emphasis added, claim 39).

In the embodiment of Fig. 9, Suwa discloses a liquid immersion system that completely immerses the entire wafer W, thus completely filling the space between Suwa's Lens element LE1 (Fig. 9) or prism mirror 200 (Fig. 10) and the surface of the wafer W. Thus, Suwa fails to disclose partially filling a space between the optical member and the substrate and fails to disclose an immersion area where the liquid is located that is smaller than the surface of the substrate/object.

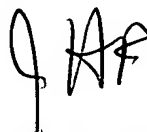
For the foregoing reasons, Applicants request withdrawal of the rejection.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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**Attachments:**

Petition for Extension of Time  
Amendment Transmittal

Date: February 6, 2009

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